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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,184	01/12/2001	Peter J. Lanigan	GB 000005	9979
24737	7590	07/12/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			PIZARRO, RICARDO M	
		ART UNIT	PAPER NUMBER	
		2661		
DATE MAILED: 07/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/759,184	LANIGAN ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Ricardo Pizarro	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 October 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 3-4, 7 is/are allowed.
- 6) Claim(s) 1,2 and 8-10 is/are rejected.
- 7) Claim(s) 11 and 12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 11 line 1 and claim 12 line 2 the term "the technical features" is not understood and not know what the term is referring to.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,148,135 ( Suzuki)

Regarding claim 1, Suzuki discloses a Video and Audio reproducing device, comprising a cluster of devices interconnected for the communication of data in streams ( Device 1 composed of audio elements 61, 64, 69, 67 and 25 and Device 2 composed of video elements 71, 74, 79, 78 and 45 in Fig. 6) wherein for at least two

data streams ( Audio stream and video stream) to be sent to one or more devices as destination devices of said cluster (Devices 30 and 50 in Fig. 6) wherein at least some devices of the cluster maintain a respective table ( audio time stamp memory 61 and video time stamp memory 71 in Fig. 6, col 14 lines 23 and 27) each table readable via said interconnection by other devices of said cluster, each such table identifying a latency for a respective device ( col 14 lines 31-37, col16 lines 4-9).

The embodiment disclosed in Fig. 6 did not specifically disclose at least one device of the cluster comprising means arranged to apply a respective delay to at least one of said at least two data streams in an amount determined by differing signal path latencies for said at least two data streams and the means arranged to apply a delay operating to apply delay on the basis of table contents .

However Suzuki in the embodiment disclosed in Fig. 4 discloses that the audio buffer memory 25 and the video buffer memory 45 stores and delays the separated video data (means arranged to apply a respective delay to at least one of said at least two data streams col 8 lines 61-62) and also that those delays will be under control of the synchronization controller (in an amount determined by differing signal path latencies for said at least two data streams , col 9 lines 7 –12); said memories 25 and 45 operate based on tables 61 and 71( col 14 lines 31-37, col16 lines 4-9)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the embodiment of Fig. 6 to have a video and audio reproducing device for perfectly matching the video and the audio without any delay between them.

The motivation to do so is to minimize the time lag at the receiving station and the transmitting station.

Regarding claim 2, wherein each respective table identifies, for its respective device, signal processing capabilities for that device, together with the latency associated with each such capability ( audio and video are processed using the audio presentation time stamp A-PTS) and the video presentation time stamp (V-PTS) accordingly , see Figs 7A and 7B, col 14 lines 50-54, col 16 lines 19-23)

Regarding claim 9, means arranged to apply delay comprises buffering means ( both means to arrange delays are memories 25 and 45 in Fig. 6).

Regarding claim 10, means arranged to apply a delay comprises means to apply a delay to reading of one of said data streams from a source( both means 25 and 45 in Fig. 6 comprise means to delay a separate data stream either audio or video from a source).

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,148,135 ( Suzuki) in view of US patent no. 5,913,031 ( Blanchard)

Suzuki did not disclose destination devices maintain a respective table, as in claim 8.

However Blanchard discloses an encoder system comprising destination audio and video devices comprising respective tables ( Buffers 28 and 30 in Fig. 9).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the Suzuki reference to have seamless

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joining of the system stream segments avoiding overflow or underflow in the decoder buffers.

The motivation to do so is to obtain a method of encoding digital video signals in the form of segments and means for interleaving the encoded video signals.

***Allowable Subject Matter***

5. Claims 3-4, 7. are allowed.

6. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

***Conclusion***

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 272-3126

(for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to 220 South 20<sup>th</sup> Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Va 22202 (Customer Window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chau Nguyen** can be reached on (571) 272-3126

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 7, 2005  
Ricardo Pizarro

*Chau T. Nguyen*  
CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600